

## **BILL ANALYSIS**

Senate Research Center

S.B. 1520  
By: Lucio  
Natural Resources  
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As Filed

### **DIGEST**

Currently, the procedures for amending or modifying permits differ from one subject area to another. For example, the notice requirements for modifications differ from the municipal solid waste division to the industrial and hazardous waste program, and there are no modifications provisions for water quality permits. This bill would establish more uniform policies relating to the process of amending or modifying certain permits.

### **PURPOSE**

As proposed, S.B. 1520 sets forth procedures for amending or modifying certain permits and licenses issued by the Texas Natural Resource Conservation Commission.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Sec. 5.401(b), Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 5, Water Code, by adding Subchapter J, as follows:

#### **SUBCHAPTER J. AMENDMENT OR MODIFICATION OF PERMITS OR LICENSES**

Sec. 5.401. AMENDMENT OR MODIFICATION GENERALLY. Authorizes Texas Natural Resource Conservation Commission (TNRCC) to amend or modify a permit or license issued by TNRCC. Requires TNRCC, by rule, to adopt reasonable procedures to amend or modify a permit or license. Provides that Section 5.312 applies to a decision on an application to amend a permit. Provides that this subchapter does not apply to an amendment to which Section 11.122 applies.

Sec. 5.402. SOLID WASTE PERMITS. Provides that this section applies to a permit issued by TNRCC under Chapter 361, Health and Safety Code. Provides that the procedures prescribed by Section 361.067, Health and Safety Code, apply to an application to amend a permit. Provides that TNRCC is required and authorized to perform certain functions before amending a permit. Provides that Sections 361.084, 361.085, 361.0871, 361.0885, 361.089, and 361.137, Health and Safety Code, apply to an application to amend a permit unless otherwise provided by those sections. Provides that Sections 361.0791 and 361.137, Health and Safety Code, apply to modification of a permit unless otherwise provided by those sections.

Sec. 5.403. AIR POLLUTION PERMITS. Provides that this section applies to a permit issued under Chapter 382, Health and Safety Code. Sets forth procedures for the consolidation of permits under Section 382.0511, Health and Safety Code. Provides that Sections 382.0511, 382.0512, 382.0518, 382.056, 382.0591, and 382.062, Health and Safety Code, apply to an application to amend a permit unless otherwise provided by those sections. Authorizes TNRCC to issue a permit for the modification of an existing facility as defined by Sections 382.003, Health and Safety Code. Provides that Sections 382.051, 382.0511, 382.0512, 382.0518, 382.052, 382.0541, 382.0542, 382.056, 382.0563, 382.057, 382.059,

and 382.062, Health and Safety Code, apply only to the modification of an existing facility.

Sec. 5.404. WATER POLLUTION PERMITS. Provides that this section applies to a permit issued by TNRCC under Chapter 26. Authorizes TNRCC to amend a permit on application of a permit holder. Requires the permit to contain certain information. Authorizes TNRCC to set for consideration an application to amend a permit to improve the quality of waste authorized to be discharged and act on the application at a regular meeting without holding a public hearing under certain conditions. Requires TNRCC to mail notice of the application by a certain date to certain officials. Authorizes the officials described by Subsection (e) to present information to TNRCC at a meeting described by Subsection (d). Provides that Sections 26.027, 26.028, 26.0281, 26.0282, 26.0283, 26.029, and 26.048 apply to an application to amend a permit, unless those sections provide otherwise.

Sec. 5.405. RADIOACTIVE WASTE PROCESSING OR DISPOSAL LICENSES. Provides that this section applies to a license issued by TNRCC under Chapter 401, Health and Safety Code. Authorizes an amendment to a license to take effect immediately. Requires TNRCC to perform certain functions. Requires notice under Subsection (c) to include certain information. Requires TNRCC to hold a hearing on the amendment if an affected person files a written complaint with TNRCC not later than a certain date. Requires TNRCC to give notice of the hearing under Section 401.114, Health and Safety Code. Provides that Sections 401.107 and 401.118, Health and Safety Code, apply only to an application to modify a license.

SECTION 2. Amends Section 26.028, Water Code, to require notice to be given to certain persons except as provided in Section 5.404(d) and Subsection (b), rather than Subsections (b) and (c), of this section. Deletes existing Subsection (b). Makes a conforming change.

SECTION 3. Repealers: Section 382.0511(e), Health and Safety Code (Permit Consolidation and Amendment) and Section 401.116, Health and Safety Code (License Amendment).

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.